

REMARKS

Claims 2, 4-8, 12 and 13 have been cancelled, and claims 1, 3, 9, 10, 11 and 15 have been amended. Applicants reserve the right to pursue the original claims and other claims in this application and other applications. Claims 1, 3, 9, 10, 11 and 14-16 are pending in this application.

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Demar et al. (US 5,496,972) in view of Salini (US 5,434,367). Claims 11-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Demar et al. in view of Salini and further in view of Baker (US 5,001,648). Reconsideration is respectfully requested.

Claim 1 as amended is directed to a platter for a weighing scale that includes first and second hinged members movable between a first position and a second position. When in the first position, the hinged members form a first surface for supporting an item to be weighed, and when in the second position the hinged members form a cradle for holding a plurality of items to be weighed.

Demar et al., in contrast, is directed to a scale platform having a first position that provides a horizontal weighing surface and a second position for supporting flats in a substantially vertical orientation. A first portion 26 is pivotally mounted to a second portion 27 by a hinge 29. As the first portion 26 is raised into the open position, portion 27 rotates away from base 12 around hinge 31 to provide support for portion 26. (Col. 2, line 55 to Col. 3, line 12).

There is no disclosure, teaching or suggestion in Demar et al. of "a cradle for holding a plurality of items to be weighed by the weighing scale, the cradle being formed by an upper surface of the base, the second side of the first hinged member and the second side of the second hinged member when the first hinged member is in the first member second position and the second hinged member is in the second member second position" as is recited in claim 1. In Demar et al., the portion 27 is used solely as a support to keep portion 26 in an open position. The portions 26, 27

and top of the base 12 in Demar et al. do not form a cradle for holding a plurality of items to be weighed by the weighing scale as in the present invention. Instead, as noted above, the second portion 27 provides a support for the first portion 26 to allow a flat to be supported by the portion 26 in a substantially vertical orientation. This is not the same as "a cradle for holding a plurality of items to be weighed by the weighing scale, the cradle being formed by an upper surface of the base, the second side of the first hinged member and the second side of the second hinged member when the first hinged member is in the first member second position and the second hinged member is in the second member second position" as is recited in claim 1.

The references to Salini and Baker do not cure the above deficiencies. Salini is directed to a merchandise damping and protecting cover for the platforms of weighing scales. Baker is directed to a system and method for differentially weighing mail pieces. None of the cited references, either alone or in any combination with the others, disclose, teach or suggest "a cradle for holding a plurality of items to be weighed by the weighing scale, the cradle being formed by an upper surface of the base, the second side of the first hinged member and the second side of the second hinged member when the first hinged member is in the first member second position and the second hinged member is in the second member second position" as is recited in claim 1.

For at least the above reasons, Applicant respectfully submits that claim 1 as amended is allowable over the prior art of record. Claim 3, dependent upon claim 1, is allowable along with claim 1 and on its own merits.

Claim 9 as amended includes limitations similar to those of claim 1. For the same reasons give above with respect to claim 1, Applicant respectfully submits that claim 9 is allowable over the prior art of record. Claim 10, dependent upon claim 9, are allowable along with claim 9 and on its own merits.

Claim 11 as amended includes limitations similar to those of claim 1. For the same reasons give above with respect to claim 1, Applicant respectfully submits that

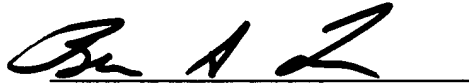
claim 11 is allowable over the prior art of record. Claim 14, dependent upon claim 11, is allowable along with claim 11 and on its own merits.

Claim 15 as amended is directed to a method of operating a mailing machine that comprises "configuring a weighing platter of the mailing machine into a cradle for receiving a plurality of mail pieces by moving a first hinged member of the weighing platter from a first position in which the first hinged member is substantially horizontal with respect to a base of the weighing platter to a second position in which the first hinged member extends upwardly from the base and by moving a second hinged member of the weighing platter from a first position in which the second hinged member is substantially horizontal with respect to the base of the weighing platter to a second position in which the second hinged member extends upwardly from the base, the first hinged member, second hinged member and base thereby forming the cradle." As noted above with respect to claim 1, there is no disclosure, teaching or suggestion in any of the references, either alone or in any combination, of configuring a weighing platter into a cradle to receive a plurality of mail pieces by "moving a first hinged member of the weighing platter from a first position in which the first hinged member is substantially horizontal with respect to a base of the weighing platter to a second position in which the first hinged member extends upwardly from the base" and "moving a second hinged member of the weighing platter from a first position in which the second hinged member is substantially horizontal with respect to the base of the weighing platter to a second position in which the second hinged member extends upwardly from the base, the first hinged member, second hinged member and base thereby forming the cradle" as is recited in claim 15.

For at least the above reasons, Applicant respectfully submits that claim 15 as amended is allowable over the prior art of record. Claim 16, dependent upon claim 15, is allowable along with claim 15 and on its own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this case are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian A. Lemm', is written over a horizontal line.

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